

Final
Supplemental Environmental Impact Report No. 608
to Final EIR 401
SCH No. 2010061063

COTO DE CAZA
SPECIFIC PLAN AMENDMENT – PA 10
TENTATIVE TRACT MAP 17325
GRANT OF EASEMENT AMENDMENT

Orange County Public Works
Land Use Planning Department
300 North Flower Street – First Floor
Santa Ana, CA 92702

Prepared by:

Keeton Kreitzer Consulting
180 South Prospect Avenue, Suite 140A
Tustin, CA 92780

November 2011

**FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 608
TO FINAL EIR 401
SCH NO. 2010061063**

**COTO DE CAZA
SPECIFIC PLAN AMENDMENT – PA 10
TENTATIVE TRACT MAP 17325
GRANT OF EASEMENT AMENDMENT**

Prepared for:

**Orange County Public Works
Land Use Planning Department
300 North Flower Street – First Floor
Santa Ana, CA 92702
Contact: Chris Uzo-Diribe (714) 667-8845**

Prepared by:

**Keeton Kreitzer Consulting
180 South Prospect Avenue, Suite 140A
Tustin, CA 92680
Contact: Keeton K. Kreitzer, Principal (714) 665-8509**

NOVEMBER 2011

**COTO DE CAZA SPECIFIC PLAN AMENDMENT
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
ORANGE COUNTY, CA**

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| I. INTRODUCTION..... | 1 |
| II. ERRATA..... | 2 |
| A. Minor Changes to the Draft SEIR..... | 2 |
| B. Minor Changes to the Standard Conditions and Mitigation Measures | 3 |
| III. RESPONSES TO PUBLIC COMMENTS | 10 |
| A. City of Rancho Santa Margarita | 11 |
| B. Southern California Gas Company..... | 13 |
| C. California Department of Transportation..... | 15 |
| D. Rancho Mission Viejo Company | 17 |
| E. Endangered Habitats League..... | 20 |
| F. Audubon California | 35 |
| G. Ms. LeAnn Miller | 39 |

I. INTRODUCTION

The Final Supplemental Environmental Impact Report (SEIR) includes Chapter II (Errata) and Chapter III (Responses to Public Comments). The Errata reflect minor revisions to the document that do not substantively change the information in it but rather provide clarification or greater specificity. The errata revisions are shown in underline/strikeout format. In addition to the Errata, the Final SEIR also includes the Responses to Public comments in Chapter III. The responses include those received during the 45-day public review and comment period and additional comments made during the public testimony given at the Planning Commission Hearing conducted on July 13, 2011.

II. ERRATA

- A. The following "errata" reflect minor changes to the Draft Supplemental EIR. The revisions are shown in underline/strikeout format.

Page 2-2: Delete Tentative Tract Map from Board of Supervisors discretionary approvals in Section 2.1.4:

- Specific Plan Amendment
- ~~Tentative Tract Map~~
- Area Plan
- Amendment to an existing Grant of Easement

In addition to the approvals identified above, the Subdivision Committee will be responsible for approving:

- ~~Tentative Tract Map~~

Page 2-3: Include Orange County Subdivision Committee in Section 2.1.5 (Related Approvals)

- Orange County Subdivision Committee;
- Orange County Planning Commission;
- Orange County Board of Supervisors;
- Departments of the County of Orange that must approve implementation activities undertaken in accordance with the Specific Plan, Area Plan, Tentative Tract Map, and related discretionary actions;
- Santa Margarita Water District
- U.S. Army Corps of Engineers
- California Regional Water Quality Control Board (San Diego Region);
- South Coast Air Quality Management District (SCAQMD);
- California Department of Fish and Game;
- U.S. Fish & Wildlife Service;
- All other public agencies that may approve implementation activities undertaken in accordance with the requested entitlements.

- B. The following "errata" reflect the minor changes to the Standard Conditions (SCs) included in the Initial Study (refer to Appendix A) and SCs and Mitigation Measures (MMs) prescribed in the Draft SEIR prepared for the Coto de Caza Specific Plan Amendment (PA 10) and Tentative Tract Map 17325. The revisions to are shown in underline/strikeout format.

- SC 5.2-1 ~~Confirm~~ Prior to the issuance of the grading permit, the applicant shall confirm that, in compliance with SCAQMD Rule 403, fugitive dust shall be controlled through the use of a watering truck as necessary, and/or the use of an environmentally safe chemical dust suppressant. Controls shall be applied to all on-site, unpaved roads and ramps, stockpile areas, actively excavated or exposed sites, and all areas that may be temporarily inactive but include exposed (i.e., denuded or devoid of vegetation) or disturbed surfaces.
- SC 5.3-1 Prior to the approval of the project ~~Plans and Specifications plans~~ by the Orange County Flood Control District, the Chief Engineer, OC Public Works, or his designee, in consultation with the Manager, OC Public Works/Environmental Planning Services Division, shall confirm that the plans and specifications stipulate that if evidence of subsurface archaeological resources are found during construction, excavation and other construction activity in that area shall cease and the contractor shall contact the Construction Engineer, who will then contact a county certified archaeologist to determine the extent of the find and take proper actions.
- SC 5.3-2 Prior to the approval of the project ~~Plans and Specifications plans~~ by the Orange County Flood Control District, the Chief Engineer, OC Public Works, or his designee, in consultation with the Manager, ~~OCPW/Manager, Public Works/Environmental Planning Permit Services Division~~, shall confirm that the plans stipulate that if evidence of subsurface paleontological resources are found during construction, excavation and other construction activity in that area shall cease and the contractor shall contact the Construction Engineer, who will then contact a county certified paleontologist to determine the extent of the find and take proper actions.
- SC 5.10-1 Prior to the issuance of any grading or building permits, ~~the project plans shall be subject to review and approval by the Orange County Fire Authority for compliance with all applicable fire protection systems, road grades and width, building materials, etc.~~ applicant shall submit and obtain approval of the Fire Chief and the Manager, Permit Services, of plans for all public or private access roads and streets. A PR 145 Service Code for Fire Master Plans shall be approved prior to grading. The plans shall include plan and sectional views ad indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Chief. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access, Guideline B-09."
- SC 5.10-2a Prior to the issuance of a grading permit, ~~the developer shall have completed implementation of that portion of the approved fuel modification plan determined to be necessary b y the OCFA before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection by OCFA.~~

recordation of a subdivision map or the issuance of a preliminary grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the Manager, Permit Services, for a conceptual fuel modification plan and program. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Fuel Modification Plans and Maintenance."

SC 5.10-2b Prior to issuance of a precise grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the Manager, Permit Services, for a precise fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance."

SC 5.14-1 ~~Prior to consideration of the proposed project by the Orange County Planning Commission and/or Orange County Board of Supervisors, the applicant shall submit evidence to the County from the Santa Margarita Water District documenting that the District has adequate long-term domestic water supplies that are adequate to service the proposed 7-unit residential subdivision and has made an irrevocable commitment to provide them.~~

SC 4.2-5 Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the incoming occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and
- Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&R's (that must include the approved WQMP and O&M Plan) for the project Home Owner's Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

SC 4.2-7 Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall

identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP's will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

SC 4.2-8 Prior to issuance of grading or ~~building~~ permits, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Permit Services:

1. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, via sump pumps if necessary, as determined by the Manager, Permit Services.
2. Drainage facilities discharging onto adjacent property shall be designed to imitate the manner in which runoff is currently produced from the site and in a manner meeting the satisfaction of the Manager, Permit Services. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property. All drainage facilities must be consistent with the County of Orange Grading Ordinance and Drainage Manual.

SC 4.2-9 Prior to the issuance of a grading permit, the project applicant shall submit a Water Quality Management Plan (WQMP) that meets the interim hydromodification control requirements pursuant to the municipal Separate Stormwater System Permit (Order No. R0-2009-0002) issued to the County of Orange and cities of South Orange County by the San Diego Regional Water Quality Control Board. This plan shall ensure that the post-construction hydrologic conditions of the project shall match the pre-development (i.e., naturally occurring) conditions through on-site engineered hydromodification controls. To meet these requirements, the WQMP for the project must include data regarding pre- and post-construction flow rates and the on-site engineered hydromodification controls must be sized to ensure that post-construction runoff does not exceed the baseline condition for flows up to the 10-year storm event. The following criteria shall apply to the proposed project:

- For flow rates from 10 percent of the 2-year storm event to the 5-year storm event, the post-project peak flows shall not exceed pre-development (naturally occurring) peak flows.
- For flow rates from the 5-year storm event to the 10-year storm event, the post-project peak flows may exceed pre-development (naturally occurring) flows by up to 10 percent for a 1-year frequency interval.

SC 4.3-1 Prior to the issuance of a grading permit, the project applicant shall retain the services of a qualified ornithologist and shall provide proof to the Manager, ~~General Land Use~~ OC Communities Planning in the form of a completed survey or assessment. The qualified ornithologist shall conduct a survey of the construction zone, if any of the phased construction activities (grubbing, grading, tree trimming or removal) are to occur during the breeding season for native birds

(approximately February 1 through August 31). Proof in the form of a completed survey or assessment shall be submitted to the Manager, General Land Use OC Communities Planning. The ornithological survey shall occur not more than seven days prior to the initiation of those construction activities. If the ornithologist detects any occupied nests of native birds within the construction zone, they shall be mapped on construction plans and the project applicant will conspicuously flag off the area(s) supporting bird nests, providing a minimum buffer of 200 feet between the nest and limits of construction. (This buffer zone shall be at least 500 feet for raptors until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.) The construction crew will be instructed to avoid any activities in the zone until the bird nest(s) is/are no longer occupied, per a subsequent survey by the qualified ornithologist. Alternatively, the project applicant will consult as appropriate with the USFWS to discuss the potential loss of nests of native birds covered by the MBTA to obtain the appropriate permit from the USFWS.

- MM 4.3-1a Prior to the issuance of a grading permit, the applicant shall show proof to the County in the form of a completed survey or assessment that populations of the many-stemmed dudleya and intermediate Mariposa lily (if located) have been avoided to the extent possible. If avoidance is not possible, offsite purchase of the mitigation sites shall be researched to determine the feasibility of this option. The mitigation sites shall be open space that contains substantial populations of many-stemmed dudleya and intermediate Mariposa lily (~~of-if~~ located). These areas shall be dedicated in perpetuity.
- MM 4.3-2 Prior to the issuance of a grading permit, the applicant shall provide proof in the form of a completed survey or assessment to the Manager, General Land Use OC Communities Planning, that an experienced burrowing owl biologist shall conduct a pre-construction survey of all on-site rodent burrows, which will be evaluated by the biologist and confirmed as not having any owls in them, not more than 30 days before any landform alteration takes place. The surveys shall be conducted as close to the actual construction initiation date as possible.
- MM 4.3-3a Prior to the issuance of a grading permit, the applicant shall be required to mitigate the 12.13 acres at a ratio of two acres for each acre of occupied coastal sage scrub habitat. Proof shall be provided to the Manager, General Land Use OC Communities Planning. A minimum of 24.26 acres of coastal sage scrub habitat shall be provided. (The applicant has agreed to dedicate 26.5 acres of coastal sage scrub habitat in "Parcel A" illustrated on Exhibit 4.3-5.)
- MM 4.3-3b If construction is to occur during the coastal California gnatcatcher and coastal cactus wren nesting cycle (February 1 to August 31), a nesting bird survey shall be conducted by a qualified biologist prior to the issuance of grading and/or building permits. Active bird nests shall be mapped utilizing a hand-held global positioning system (GPS) and a 500-foot buffer will be flagged around the nest. Construction shall not be permitted within the buffer areas while the nest continues to be active (i.e., eggs, chicks, etc.) Proof shall be submitted to the Manager, General Land Use OC Communities Planning in the form of a completed survey or assessment.
- MM 4.3-4c Prior to the issuance of a building permit, the applicant shall submit for approval a Landscape Plan, which shall incorporate special edge treatments designed to separate development areas from open space areas and also landscape screening native landscaping to minimize visual impacts. ~~These a~~Areas of native landscaping

and fencing will serve to minimize unauthorized public access, predation by domestic animals, and illegal trespassing and dumping.

- Appropriate signage shall be posted, limiting and discouraging the use of the open space by hikers for their pets. Homeowner educational pamphlets shall be used to inform residents of the potential impacts to native habitats by uncontrolled pets.
- All manufactured slopes that abut conservation easement areas shall be retained as open space buffer zones. All manufactured slopes and areas disturbed by construction of those slopes shall be revegetated with buffer species during project construction.
- Open space areas shall be retained as open space and shall be managed for the sole purpose of wildlife conservation in perpetuity. The conservation easements shall prohibit all activities that may kill, injure, or otherwise significantly disturb wildlife or adversely impact their habitat within the easement areas. These activities include, but are not limited to, recreation (e.g., hiking, biking, walking pets, etc.), off-road vehicle use, and construction of roads (other than the equestrian trail and project roads) or other structures.
- Adequate screening with vegetation species that are included on the approved list of native landscaping materials permitted within the project area shall be provided. The Landscape Plan shall demonstrate the proposed screen landscaping and shall be reviewed and approved by the Manager, Permit Services.

MM 4.3-4d Upon the sale of each residential lot, future residents of the proposed project shall be provided with the approved Conceptual Landscape Plan as part of the CC&Rs, which shall include a list of native landscaping materials permitted within the project area for screening and landscaping and shall be approved by the Coto de Caza Master Association. These materials shall be selected for their contribution to the project theme, adaptability to local climatic and soil conditions, and for their compatibility with the unique nature environment in the project area. Sage scrub shall be planted as appropriate on all manufactured slopes. In addition, restoration and enhancement of sage scrub and oak woodland species shall be completed in designated conservation easement areas. Landscape buffers shall be incorporated into the project design to minimize the intrusion of non-native plant species into natural areas. None of the plants listed in Section 6.17.2 of the Draft NCCP/MSAA/HCP shall be utilized for the project and their use by future homeowners shall be prohibited. A weeding program shall be implemented, if necessary, and shall follow the guidelines.

MM 4.3-5 ~~Prior to the issuance of the building permit, the project shall comply with the requirements prescribed in the 2009 Landscape Ordinance.~~ The proposed development shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements (i.e., SWIP) and the County's MS-4 (Municipal Separate Storm Sewer System) requirements, to ensure that the quantity and quality of runoff discharged to the open space area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into open space areas.

- Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes within open space areas. This will be accomplished using a variety of methods including natural detention basins, grass swales, or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.
- MM 4.3-6 Prior to the issuance of a grading permit, the project applicant will be required to replace the jurisdictional wetlands at a ratio of 1:1 or as prescribed by the U.S. Army Corps of Engineers and the California Department of Fish & Game. Proof shall be provided to the Manager, ~~General Land Use~~OC Communities Planning.
- MM 4.3-7 Prior to recordation of the Subdivision Map, the applicant shall provide proof to the Manager, ~~General Land Use~~OC Communities Planning that the minor amendment to the SSHCP Implementation Agreement has been approved by the U.S. Fish & Wildlife Service.
- SC 4.4-1 Prior to the issuance of a grading permit, the plans and ~~specifications~~ for the proposed project shall confirm that all earthwork and grading operations associated with the implementation of the proposed residential development, shall comply with the County Grading and Excavation Code, County Grading Manual, and all other governing State and local regulatory requirements.
- MM 4.4-2a Prior to the ~~approval issuance~~ of the building permit, subject to the approval of the Manager, Permit Services, excavations in site soils shall be temporarily shored or sloped in accordance with Cal-OSHA requirements. Temporary excavation slopes in site soils and bedrock, where utilized, shall be no steeper than 1:1 (horizontal to vertical), to a maximum height of 10 feet.
- MM 4.4.2b Prior to the ~~approval issuance~~ of the building permit, subject to the approval of the Manager, Permit Services, all permanent excavation slopes in bedrock and fill slopes shall be properly designed, constructed, and maintained to assure satisfactory performance under design loading and service conditions. Permanent bedrock excavation and fill slopes shall be constructed at gradients no steeper than 2:1 (horizontal to vertical). Unstable natural slopes should be similarly treated.
- MM 4.4-2c Prior to the ~~approval issuance~~ of the building permit, subject to the approval of the Manager, Permit Services, remedial grading consisting of over-excavation of the near surface loose disturbed soils and colluvial materials, and replacement with properly compacted fill soils will be required to provide more uniform support for new fill placements, foundations, and slabs-on-grade, reduce structure settlements, and provide satisfactory performance of planned construction. Recommended depths of remedial grading in various areas are identified in Section 7.3.5 of the Preliminary Geotechnical Evaluation Report.
- MM 4.4-2d Prior to the ~~approval issuance~~ of the building permit, subject to the approval of the Manager, Permit Services, should undocumented fill soils be encountered below the zones of over-excavation recommended in the Preliminary Geotechnical Evaluation Report, they shall be removed full depth and replaced with approved compacted fill material. Unstable natural slopes shall be similarly treated.
- MM 4.4-2i Prior to the issuance of any grading permit or revisions thereto, the Manager, ~~General Land Use~~OC Communities Planning, shall determine that the proposed

grading is consistent with the grading depicted within the approved planning application.

SC 4.5-2

Prior to the issuance of the grading permit, the landscape concept plan prepared for the project shall comply with the requirements prescribed by OCPW as prescribed below.

- Prior to the issuance of precise grading permits, the applicant shall prepare a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, water conservation measures contained in ~~Board Resolution 90-487, and Board Resolution 90-1341~~ the 2009 Landscape Ordinance (Water Conservation Implementation Plan).
- Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.
- Prior to the issuance of any certificates of use and occupancy, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Building Inspection Services.

III. RESPONSES TO PUBLIC COMMENTS

Introduction

The 45-day public review period for the Draft Supplemental Environmental Impact Report (SEIR) prepared for the Coto de Caza Specific Plan Amendment and TTM 17325 project extended from January 18 through March 4, 2011. The County of Orange received six (6) comment letters on the Draft EIR during the formal public review and comment period. In addition, comments were also received during the public hearing conducted by the Orange County Planning Commission on July 13, 2011 from Ms. LeAnn Miller. Responses to each of the comments included in the letters received by the County, as well as those receiving during the Planning Commission heaving, have been prepared and are included with the Final EIR. Public comments were received from:

- A. City of Rancho Santa Margarita (February 3, 2011)
- B. Southern California Gas Company (February 5, 2011)
- C. California Department of Transportation (February 28, 2011)
- D. Rancho Mission Viejo Company (March 2, 2011)
- E. Endangered Habitats League (March 4, 2011)
- F. Audubon California (March 4, 2011)
- G. Ms. LeAnn Miller (July 13, 2011)¹

Responses for each of the salient comments on the Draft SEIR are presented following the letter from each of the commenters identified above. For easy reference, each letter has been numbered and individual comments are also numbered.

¹Comments received during public testimony at the July 13, 2011 Planning Commission Hearing.



Letter No. 1

CITY OF RANCHO SANTA MARGARITA

February 3, 2011

Mayor

L. Anthony Beall

Mayor Pro Tempore

Gary Thompson

Council Members

Steven Baric

Jerry Holloway

Jesse Petrilla

City Manager

Steven E. Hayman

Chris Uzo-Diribe
Orange County Public Works Department
Land Use Planning Department
300 North Flower Street – First Floor
Santa Ana, CA 92702

**SUBJECT: Draft Supplemental Environmental Impact Report 608
to FEIR #401 for the Coto de Caza Specific Plan
Amendment/Tentative Tract Map 17325**

Dear Mr. Uzo-Diribe:

The City of Rancho Santa Margarita appreciates the opportunity to comment on the draft Supplemental Environmental Impact Report for the Coto de Caza Specific Plan Amendment and Tentative Tract Map 17325. The City does not have any specific comments on this project at this time, since the proposed project complies with the intent of the existing Coto de Caza Specific Plan to limit the number of residential units within Planning Area 10 to less than 197 housing units.

1 Because this property has recently been added to the City's Sphere of Influence, the City requests that you continue to keep the City informed about the status of the project by forwarding any future studies, public notices, meeting notices and any additional information on this proposed project to the City as part of the public review process. The Rancho Santa Margarita City Council is interested in this project and its effects on the City and Orange County. If you have any questions, please contact me at (949) 635-1800 x6704.

Sincerely,

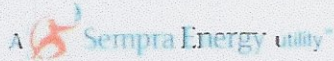
Nate Farnsworth
Planner

22112 El Paseo • Rancho Santa Margarita • California 92688-2824
Phone 949.635.1800 • Fax 949.635.1840 • www.cityofrsm.org

1. City of Rancho Santa Margarita (February 3, 2011)

Response to Comment No. 1

No comments on the analysis presented in the Draft EIR are raised in this letter; no response is necessary. However, as requested, the County will forward any future studies, public notices, meeting notices and any additional information related to the proposed project to the City of Rancho Santa Margarita.



1010 S. State College Blvd.
Anaheim, CA 92816-1414

Letter No. 2

February 5, 2011

MANAGER, OC Planning
General Land Use Planning
300 N. Flower St.,
P.O. BOX 4048
Santa Ana, CA 92702-4048

Subject: Coto de Caza Specific Plan Amendment/TTM 17325

1 Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

2 This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

3 This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

4 Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2300 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Harriel".

Mike Harriel
Technical Services Supervisor
Orange Coast Region - Anaheim

MH/fi
enr02.doc

2. Southern California Gas Company (February 5, 2011)

Response to Comment No. 1

This comment indicates that the Southern California Gas Company has facilities in the vicinity of the project site that can serve the proposed project. This comment is acknowledged; no response is necessary.

Response to Comment No. 2

As indicated in this comment, the provision of natural gas service to the proposed project is based on the availability of the gas supply and on regulatory agency requirements. As a result, gas service will be provided in accordance with such factors. This comment is acknowledged; no response is necessary.

Response to Comment No. 3

This comment stipulates the conditions under which natural gas service would be provided to the proposed project and does not raise any environmental issues. This comment is acknowledged; no response is necessary.

Response to Comment No. 4

If necessary, the project applicant will work with representatives of Southern California Gas Company to obtain information on energy conservation and energy efficient appliances and/or systems. No response is necessary.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592

Letter No. 3



*Flex your power!
Be energy efficient!*

February 28, 2011

Chris Uzo-Diribe
Orange County Public Works
OC Planning
P.O. Box 4048
Santa Ana, California 92702-4048

File: IGR/CEQA
SCH#: 2010061063
Log #: 2556B
SR-241

Subject: Coto de Caza Specific Plan Amendment/Tentative Tract Map 17325

Dear Mr. Uzo-Diribe,

Thank you for the opportunity to review and comment on the **Draft Supplemental Environmental Impact Report (DSEIR) for the Coto de Caza Specific Plan Amendment/Tentative Tract Map 17325**. The proposed project includes the subdivision of a 127-acre parcel into several open space lots and 7 rural residential estate lots. An access road and utilities to serve the estate lots are also proposed to be extended from Van Gogh Way off-site and west of the property to the proposed subdivision. The project is located near the intersection of Vista del Verde and Van Gogh Way in the community of Coto de Caza in unincorporated Orange County. The nearest state highway to the project is SR-241.

1 **The Department of Transportation (Department) is a commenting agency** on this project and has no comment at this time. However, in the event of any activity in the Department's right-of-way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

"Caltrans improves mobility across California"

3. California Department of Transportation (February 28, 2011)

Response to Comment No. 1

No comments on the analysis presented in the Draft EIR are raised in this letter; no response is necessary. However, as requested, the County will inform Caltrans of any project-related activities that affect Caltrans facilities or require action by the California Department of Transportation.

Letter No. 4

RANCHO MISSION VIEJO

March 2, 2011

Mike Balsamo
Manager, General Communities Planning Unit
Orange County Public Works Department
OC Planning
300 N. Flower Street
P.O. Box 4048
Santa Ana, CA 92702-4048

Subject: Draft Supplemental EIR 608 to FEIR #401; Coto de Caza Specific Plan
Amendment/Tentative Tract Map 17325

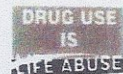
Dear Mike:

Thank you for the opportunity to review and provide comments on the subject Draft EIR. Rancho Mission Viejo (RMV) previously provided comments on the Notice of Preparation for this EIR. In summary our NOP comments recommended the County investigate the status of the lands where the proposed project is located relative to the Southern Subregion Habitat Reserve.

1 Since the time the NOP was published, RMV understands that the County, project applicant and U.S. Fish and Wildlife Service (USFWS) have coordinated on the proposed project and a request for a minor amendment to the Southern Subregion Habitat Conservation Plan (SSHCP) has been submitted or is the process of being submitted. RMV has no comments on this aspect of the proposed project so long as the County and USFWS are satisfied that no net loss of habitat reserve acres and no long-term net loss of subregional habitat value will occur.

2 The County, Santa Margarita Water District (SMWD), and RMV have entered into a Memorandum of Understanding to resolve drainage concerns from the Coto De Caza development resulting in significant channel erosion in Gobernadora Creek. RMV has also documented pollutants of concern in water leaving Coto de Caza planned community. The Gobernadora Multi-Purpose Basin is proposed as a partial solution to this issue. Some of the benefits of the basin project include:

- Reduction in hydrologic conditions for erosion control stabilization and reduction of sediment degradation



28811 ORTEGA HIGHWAY • P.O. BOX 9 • SAN JUAN CAPISTRANO, CA 92693 • (949) 240-3363 • FAX (949) 248-1763

Mr. Mike Balsamo
March 2, 2011
Page 2 of 2

- Reduction in the pollutants of concern from urban drainage runoff that is degrading water quality in Gobernadora Creek

The South County MS4 permit provides that project applicants can participate in an Alternative Program if Low Impact Development (LID) Best Management Practices (BMPs) and hydromodification controls cannot be implemented onsite. If the project applicant is unable to implement onsite LID BMPs and hydromodification controls, RMV respectfully suggests that the County consider a portion of the Gobernadora Multi-Purpose Basin to be considered a regional/subregional LID BMP/hydromodification control to which projects such as the proposed project could participate in funding.

Again, RMV appreciates the opportunity to provide these comments. Should you have any questions regarding the comments, please feel free to contact me at (949) 240-3363 Ext 297 or via email at lcoley Eisenberg@ranchomv.com.

Sincerely



Sam J. Couch
Vice President, Planning & Entitlement

Cc: Jonathan Snyder, USFWS
Richard Broming, RMV

4. Rancho Mission Viejo Company (March 2, 2011)

Response to Comment No. 1

This comment, which indicates that the Rancho Mission Viejo Company (RMV) has no comments on the request for a minor amendment as long as the minor amendment would result in a "no net loss" of habitat reserve acres and no long-term net loss of subregional habitat value, is acknowledged. No response is necessary.

Response to Comment No. 2

The project applicant must comply with the South County MS4 permit requirements to ensure that hydrologic/water quality impacts are avoided. To that end, the applicant has prepared a Draft Water Quality Management Plan (WQMP) that includes BMPs intended to reduce project-related surface runoff as well as water quality features that will reduce the long-term pollutant loads in the surface water in order to meet groundwater discharge requirements established for the basin. The WQMP that will be approved by the County must include, at a minimum, the routine structural and non-structural measures specified in the Countywide NPDES Drainage Area Master Plan (DAMP), which details implementation of the BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities. In addition, a Stormwater Pollution Prevention Plan (SWPPP) shall also be prepared, which will establish BMPs in order to reduce sedimentation and erosion and prevent construction pollutants from leaving the site. The project shall also incorporate all monitoring elements as required in the General Construction Permit. The project applicant shall also develop an erosion and sediment control plan to be reviewed and approved by the County of Orange prior to issuance of grading permit. Implementation of the BMPs will ensure that potentially significant impacts to Gobernadora Creek will be avoided.

Letter No. 5

BY ELECTRONIC MAIL

March 4, 2011

Chris Uzo-Diribe, Planner IV
chris.uzodiribe@ocpw.ocgov.com
Orange County Public Works - OC Planning
300 N. Flower St.
Santa Ana CA. 92702-4048

RE: Coto de Caza Specific Plan Amendment PA 10. TTM 17325 Draft SEIR Comments

Dear Ms. Uzo-Diribe:

1 The Endangered Habitats League, California Audubon, and Sea and Sage Audubon respectfully submit the following comments on the above-referenced project. The commenting organizations are all nonprofit membership organizations whose focus is the conservation of Southern California's native ecosystems. All of these organizations have been key participants in the development, adoption and implementation of sub-regional habitat conservation plans in Orange County known as Habitat Conservation Plans, or HCPs. Our review of the Draft Supplemental Environmental Impact Report (SEIR) for the above-referenced project shows that it fails adequately to address and remedy inconsistencies with the Southern Subregion Habitat Conservation Plan (Southern HCP); the SEIR does not comply with CEQA's minimum disclosure requirements.

2 CEQA Guidelines section 15125, subd. (d) requires that an EIR discuss any inconsistencies between the proposed project and applicable . . . regional plans . . . includ[ing] . . . habitat conservation plans, natural community conservation plans and regional land use plans." In addition, Appendix G of the Guidelines mandates a finding of significant biological impact where a project "[c]onflict[s] with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan."

3 The SEIR acknowledges that the entire 127-acre Project site is located within the Subarea 3 of the HCP, adopted by the United States Fish and Wildlife Service ("Service") in 2007. (SEIR at p. 4.1-6.) The site's inclusion in the Southern HCP reflects the fact that virtually the entire site consists of valuable coastal sage scrub habitat, oak woodlands and other sensitive natural communities. Federally protected species are found on the site, including four nesting pairs of the threatened coastal California Gnatcatcher. As such, the site is an essential component of the Southern HCP, and any development on Reserve land is inconsistent with the

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 2

Southern HCP and therefore a significant impact under Guidelines section 15125(d) and Appendix G of the Guidelines.

4 The SEIR acknowledges, as it must, that development of single family units on the site will result in the destruction of about 13 acres of prime coastal sage scrub and “take” at least one pair of gnatcatchers, uses that would be inconsistent with the Southern HCP’s conservation mandates. The SEIR purports to resolve this inconsistency by merely assuming that the Project site “will” be removed from the HCP via a request to the Service for a “minor amendment” to the Southern HCP. (SEIR at p. 4.1-20.) However, neither the County nor the Project applicant has obtained Service approval for the “minor” amendment, and it is an abuse of discretion for the SEIR to simply assume away this inconsistency by presupposing that the Service will exercise its discretion to grant the requested amendment.

5 Indeed, the SEIR does not describe with any specificity how the rigorous findings the Service must make to approve an HCP amendment will be made. Section 15.4(b) of the HCP Implementation Agreement, to which the County is a party, requires that a Minor Amendment will “result in no net loss of Habitat Reserve acreage and no long-term net loss of subregional habitat value.” The SEIR fails to show that adequate replacement acreage is available or is in a location suitable for inclusion in the Reserve. More fundamentally, nothing in the SEIR documents the habitat value of the replacement acreage and there is no discussion justifying the SEIR’s apparent assumption that the replacement land is of sufficient quality to justify a finding that there will be “no long term net loss of subregional habitat value.”

6 To the contrary, a review of Exhibit 4.1-1 showing the location of the anticipated replacement acreage shows that it will be tightly sandwiched between existing housing to the west and the Project footprint to the east. Even assuming the replacement land *currently* has equal habitat value for the Gnatcatcher and other protected species (an assumption nowhere supported by any factual analysis in the SEIR), after Project implementation it will be subject to the adverse effects of fragmentation and edge effects that commonly degrade coastal sage scrub that is squeezed between residential developments. Such land is unlikely to provide the same habitat value as the Project site currently does by virtue of the quality of the habitat, its current unfragmented state, and its distance from development.

7 It is well established, for example, that edge effects of the surrounding development decrease the net, biologically functional area of habitats left undeveloped. Edge effects take on many forms, including physical or structural changes (e.g., moisture levels, vegetation density), plant growth rates, and species interactions (e.g., predation, competition, brood parasitism, herbivory, pollination, and seed dispersal) (Mitrovich et al. 2010, Sauvajot et al. 1998, Donovan et al. 1997, Murcia 1995). While some species are tolerant of or respond positively to human modifications associated with development (i.e., *synanthropic* species), many native species—including the Gnatcatcher—are negatively impacted. (Crooks 2002, Blair 1996, Sauvajot and Buechner 1993, Soulé et al. 1992, Bolger et al. 1991, Soulé et al. 1988).

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 3

8 For example, some of the most influential and pioneering research into the ecological effects of habitat fragmentation and resulting isolation and edge effects was conducted in San Diego County, demonstrating that some species disappear from habitat that has been fragmented (Bolger 2002, 2007; Morrison et al. 2004, Patten and Bolger 2003, Crooks and Soulé 1999, Suarez et al. 1998). Particularly relevant here, Soulé et al. 1988 showed that in coastal sage scrub habitats, avian species richness typically decreases with size and age of isolation of habitat fragments. These studies have demonstrated the cascading ecological impacts that occur when habitat patches become too small to sustain natural ecological functions and processes—and the faunal collapse that ensues.

9 Development and other human land uses generally facilitate the invasion of nonnative plant species into adjacent natural habitats, especially in small habitat fragments (Matlack 1993, Brothers and Spingarn 1992, Tyser and Worley 1992, McConnaughay and Bazzaz 1987). Invasive nonnative species in landscaping can become established and spread into the interior of natural open space areas (Alberts et al. 1993). Construction of roads and other infrastructure (e.g., pipelines and transmission lines) and recreational activities within open space disturb existing vegetation, compact soils, and change natural runoff patterns, further facilitating nonnative plant invasion. Clearing native vegetation to reduce fire threat and planting non-native ornamental plants around dwelling units also facilitates establishment of nonnative plant species in habitat areas adjacent to development.

10 Finally, air and water pollution associated with development and roads have significantly degraded habitats throughout much of Southern California (Minnich and Dezzani 1998, Allen et al. 1996). Increased nitrogen input into soils from automobile exhaust greatly favors weedy annual species over native perennial species (Allen et al. 1996). Runoff from irrigation of landscaping not only carries fertilizers and pesticides, but the net addition of imported water to typically intermittent and ephemeral stream systems can favor exotic species and ultimately change the hydrology and species composition of native communities over time (White and Greer 2006). Artificial night lighting (*light pollution*) can have profound impacts on animals by affecting their orientation, foraging, reproduction, and communication, among other behaviors and interspecific interactions (Longcore and Rich 2004).

11 The SEIR does not account for any of these factors—considerations that could jeopardize the prospects for a minor amendment approval from the Service. The bottom line is that no substantial evidence supports the SEIR's bald assertion that "the action to withdraw the subject property from the [Southern HCP] will result in 'no net loss' of subregional habitat." (SEIR at 4.1-20.) Under CEQA, "[s]ubstantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. (Pub. Res. Code §21082.2(c).)

12 For all of these reasons, it was a prejudicial abuse of discretion for the SEIR to conclude that the Project will result in no significant impacts based on its inconsistency with the adopted Southern HCP. The SEIR must be revised to acknowledge the inconsistency—as well as the

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 4

mandatory finding of significant biological impacts arising from this inconsistency--before it can be certified in accordance with CEQA.

Thank you for your attention to our concerns. Please contact the undersigned at gostodas1@yahoo.com should you have any questions or wish to discuss resolution of the issues raised above.

Sincerely,

Michael D. Fitts
Staff Attorney
Endangered Habitats League

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 5

Supporting Literature

- Alberts, A.C., A.D. Richman, D. Tran, R. Sauvajot, C. McCalvin, and D.T. Bolger. 1993. Effects of habitat fragmentation on native and exotic plants in Southern California coastal scrub. Pages 103-110 in Keeley, J.E. (ed.), *Proceedings of the symposium: interface between ecology and land development in California*. May 1-2, 1992; Occidental College, Los Angeles, CA.
- Allen, E.B., P.E. Bytnerowicz, and R.A. Minnich. 1996. Nitrogen deposition effects on coastal sage vegetation of Southern California. *Proceedings of the International Symposium on Air Pollution and Climate Change Effects on Forest Ecosystems*. U.S. Forest Service General Technical Report 164.
- Bekker H., and K.J. Canters. 1995. The continuing story of badgers and their tunnels. Pages 344-353 in *Proceedings of the International Conference on Habitat Fragmentation, Infrastructure and the Role of Ecological Engineering*, Maastricht and the Hague, the Netherlands.
- Blair, R.B. 1996. Land use and avian species diversity along an urban gradient. *Ecological Applications* 6(2):506-519.
- Bolger, D.T. 2002. Habitat fragmentation effects on birds in Southern California: contrast to the paradigm? *Studies in Avian Biology* 25:141-157.
- Bolger, D.T. 2007. Spatial and temporal variation in the Argentine ant edge effect: implications for the mechanism of edge limitation. *Biological Conservation* 136:295-305.
- Bolger, D.T., A.C. Alberts, and M.E. Soulé. 1991. Occurrence patterns of bird species in habitat fragments: sampling, extinction, and nested species subsets. *American Naturalist* 137:155-166.
- Brothers, T.S., and A. Spingarn. 1992. Forest fragmentation and alien plant invasion of central Indiana old-growth forests. *Conservation Biology* 6(1):91-100.
- Crooks, K.R. 2002. Relative sensitivities of mammalian carnivores to habitat fragmentation. *Conservation Biology* 16:488-502.
- Crooks, K.R., and M.E. Soulé. 1999. Mesopredator release and avifaunal extinctions in a fragmented system. *Nature* 400:563-566.
- Diamond, T. No date. Using GIS and roadkill data to evaluate habitat connectivity models: North American badger. Master's thesis, San Jose State University, San Jose, CA.
- Donovan, T.M., P.W. Jones, E.M. Annand, and F.R. Thompson, III. 1997. Variation in local-scale edge effects: mechanisms and landscape context. *Ecology* 78(7):2,064-2,075.

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 6

Gagnon, J.W., N.L. Dodd, S.C. Sprague, K. Ogren, and R.E. Schweinsburg. 2008. Preacher Canyon wildlife fencing and crosswalk enhancement project, State Route 260, Arizona, USA. Prepared for Arizona Game and Fish Department Research Branch, Phoenix, AZ. December.

Lahti, D.C. 2001. The “edge effect on nest predation” hypothesis after twenty years. *Biol. Conserv.* 99:365–374.

Lindzey, F.G. 2003. Badger. Pages 683-691 in Feldhamer, G.A., B.C. Thompson, and J.A. Chapman (eds.), *Wild mammals of North America, biology, management, and conservation*. The John Hopkins University Press, Baltimore, MD. 1216 pp.

Longcore, T., and C. Rich. 2004. Ecological light pollution. *Frontiers in Ecology and the Environment* 2(4):191-198. Ms. Maggie Loy Page 6

Martínez-Abraín, A., D. Oro, J. Jiménez, G. Stewart, and A. Pullin. 2008. What are the impacts of human recreational activity on the distribution, nest-occupancy rates and reproductive success of breeding raptors? Systematic Review No. 27. Collaboration for Environmental Evidence.

Matlack, G.R. 1993. Sociological edge effects: spatial distribution of human impact in suburban forest fragments. *Environmental Management* 17(6):829-835.

McConnaughay, K.D.M., and F.A. Bazzaz. 1987. The relationship between gap size and performance of several colonizing annuals. *Ecology* 68(2):411-416.

Miller, S.G., R.L. Knight, and C.K. Miller. 1998. Influence of recreational trails on breeding bird communities. *Ecological Applications* 8(1):162-169.

Miller, S.G., R.L. Knight, and C.K. Miller. 2001. Wildlife responses to pedestrians and dogs. *Wildlife Society Bulletin* 29(1):124-132.

Minnich, R.A., and R.J. Dezzani. 1998. Historical decline of coastal sage scrub in the Riverside-Perris plain, California. *Western Birds* 29(4):366-391.

Mitrovich, M.J. T. Matsuda, K.H. Pease, and R.N. Fisher. 2010. Ants as a measure of effectiveness of habitat conservation planning in Southern California. *Conservation Biology* 24(5):1239-1248.

Morrison, S.A., D.T. Bolger, and T.S. Sillett. 2004. Annual survivorship of the sedentary rufous-crowned sparrow (*Aimophila ruficeps*): no detectable effects of edge or rainfall in Southern California. *The Auk* 121(3):904-916.

Murcia, C. 1995. Edge effects in fragmented forests: implications for conservation. *Trends in Ecology and Evolution* 10:58-62.

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 7

Patten, M.A., and D.T. Bolger. 2003. Variation in top-down control of avian reproductive success across a fragmentation gradient. *Oikos* 101: 479–488.

Reed, S.E., and A.M. Merenlender. 2008. Quiet, nonconsumptive recreation reduces protected area effectiveness. *Conservation Letters* 2008:1-9.

Riley, S.P.D., C. Bromley, R.H. Poppenga, F.A. Uzal, L. Whited, and R.M. Sauvajot. 2007. Anticoagulant exposure and notoedric mange in bobcats and mountain lions in urban southern California. *The Journal of Wildlife Management* 71:1874-1884.

San Diego Management and Monitoring Program (SDMMP). 2010. Connectivity monitoring strategic plan. Prepared on behalf of the U.S. Fish and Wildlife Service and California Department of Fish and Game and their San Diego conservation partners.

Sargent, A.B., and D.W. Warner. 1972. Movements and denning habits of a badger. *J. Mamm.* 53:207-210.

Sauvajot, R.M. and M. Buechner. 1993. Effects of urban encroachment on wildlife in the Santa Monica Mountains. Pages 171-180 *in* Keeley, J.E., (ed.), *Interface between ecology and land development in California*. Los Angeles, CA: Southern California Academy of Sciences, Los Angeles, CA

Sauvajot, R.M., M. Buechner, D.A. Kamradt, and C.M. Schonewald. 1998. Patterns of human disturbance and response by small mammals and birds in chaparral near urban development. *Urban Ecosystems* 1998(2):279-297.

Soulé, M.E., A.C. Alberts, and D.T. Bolger. 1992. The effects of habitat fragmentation on chaparral plants and vertebrates. *Oikos* 76:39-47.

Soulé, M.E., D.T. Bolger, A.C. Alberts, J. Wright, M. Sorice, and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conservation Biology* 2:75-92. Ms. Maggie Loy Page 7

Stromberg, M.R., and J.R.Griffin. 1996. Long-term patterns in coastal California grasslands in relation to cultivation, gophers, and grazing. *Ecological Applications* 6(4):1189-1211.

Suarez, A.V., D.T. Bolger, and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal Southern California. *Ecology* 79:2041-2056.

Taylor, A.R., and R.L. Knight. 2003. Wildlife responses to recreation and associated visitor perceptions. *Ecol. Appl.* 13:951-963.

Chris Uzo-Diribe, Orange County Planning
EHL/Audubon Comments on Coto de Caza SP Amendment SEIR
March 4, 2011
Page 8

Tyser, R.W. and C.A. Worley. 1992. Alien flora in grasslands adjacent to road and trail corridors in Glacier National Park, Montana (U.S.A.). *Conservation Biology* 6(2):253-262.

White, M.D., and K.A. Greer. 2006. The effects of watershed urbanization on the stream hydrology and riparian vegetation of Los Peñasquitos Creek, California. *Landscape and Urban Planning* 74(2):125-138.

Wilcove, D.S., C.H. McLellan, and A.P. Dobson. 1986. Habitat fragmentation in the temperate zone. Pages 237-256 in Soulé, M.E. (ed.), *Conservation biology: the science of scarcity and diversity*. Sinauer Associates, Sunderland, MA.

5. Endangered Habitats League (March 4, 2011)

Response to Comment No. 1

This comment suggests that the Draft SEIR does not comply with the requirements of the California Environmental Quality Act (CEQA). The Draft SEIR was prepared in accordance with the State CEQA Guidelines as well as the CEQA Guidelines adopted by the County of Orange. The Draft SEIR adequately evaluates the proposed 7-unit single-family residential subdivision proposed for PA 10 within the Coto de Caza Specific Plan. The Implementation Agreement (IA) requires that no net loss of habitat occur. To that end, the U.S. Fish & Wildlife determined that "no net loss" of habitat would occur as a result of the Minor Amendment requested by the property owner (refer to the attached letter from the U.S. Fish & Wildlife Service dated May 5, 2011). Project implementation will result in the preservation of a substantial amount of open space within the limits of the 126.5-acre property. Approximately 112.5 acres will remain permanent open space. In addition, 68 acres of open space have been acquired by the County of Orange as part of a Resources Agencies-sanctioned transaction and which will be enrolled into the Habitat Reserve, subject to 19 of those acres being allocated to effect the Minor Amendment. As discussed in the Draft EIR, approximately 434 acres of open space will remain within Planning Area 10, or 56 acres more than the minimum of 378 acres prescribed in the Coto de Caza Specific Plan.

Response to Comment No. 2

Section 4.1 (Land Use/Relevant Planning) and Section 4.3 (Biological Resources) include a discussion and analysis of the project-related impacts on the HCP/NCCP and other long-range plans and/or programs affecting the subject property. As indicated in the discussion in Section 4.1 of the Draft SEIR (refer to Page 4.1-20 and Exhibit 4.1-1), the 127-acre property was included in the 32,828-acre Reserve inadvertently. To correct this inadvertent inclusion, the County has proposed a minor amendment in accordance with the implementation agreement (IA). This Minor Amendment was approved by the property owners, County of Orange and by the U.S. Fish & Wildlife Service on May 5, 2011. Furthermore, the discussion of potential impacts to critical habitat resulting from project implementation are identified and described on pages 4.3-19 and 4.3-21; Exhibit 4.3-4 in the DSEIR illustrates the project-related impacts. Consistent with CEQA, the DSEIR prescribes specific mitigation measures for each of the significant impacts to biological resources (refer to pages 4.3-23 through 4.3-28 of the DSEIR). These measures include but are not limited to the replacement of coastal scrub and riparian habitat in accordance with resource agency requirements. The mitigation measure(s) prescribed in the Draft SEIR will effectively reduce the potentially significant impacts to biological resources to a less than significant level, including those under the jurisdiction of the U.S. Fish & Wildlife Service and the California Department of Fish & Game. In addition to the County-mandated dedication of 25.6 acres (i.e., Lettered Lot A of TTM 17325) to compensate for the project-related impacts to the existing CSS habitat, the applicant has also dedicated an additional 19 acres of the 127-acre-property to the County of Orange (i.e., Lettered Lot B of TTM 17325) through an irrevocable offer of dedication.

Response to Comment No. 3

As indicated in Response to Comment No. 2, the 127-acre property was inadvertently included in the Orange County Reserve. As permitted by the IA, the applicant worked closely with the County in an effort to correct the inadvertent enrollment of the Hunt Club property by supporting the minor amendment approval request, which would remove the subject property from the Reserve. The Minor Amendment was approved by the affected parties, including the U.S. Fish and Wildlife Service, on May 5, 2011 (refer to Attachment 1). The Draft SEIR includes an analysis of the potential impacts to sensitive habitat, sensitive species, and related biological resources. The Biological Assessment submitted on the 68 acres shows that the site has equitable biological resources. In addition, the over 100 acres remaining as open space and the revegetation of the nine impacted acres with coastal sage scrub habitat will be

adequate compensation for the loss of valuable CSS habitat, oak woodlands, and other sensitive natural communities resulting from development of the proposed project.

Response to Comment No. 4

As indicated in this comment, at least one pair of coastal California gnatcatchers, as well as approximately 14 acres of coastal sage scrub habit, would be adversely affected by project implementation. However, replacement of the 14 acres of development area, which is less than the 15 percent (or 19 acres) permitted in the Grant of Easement affecting the subject property, would be offset by the dedication of a 68-acre parcel that has been offered to and accepted by the County of Orange as part of a U.S. Fish & Wildlife Service-approved Minor Amendment to the Southern HCP Habitat Reserve. As indicated in Response to Comment No. 3, the Minor Amendment was approved by the U.S. Fish & Wildlife and County of Orange on May 5, 2011. The County will enroll the entire 68 acres into the Habitat Reserve, subject to 19 of those acres being allocated to offset the 14 acres withdrawn from the Habitat Reserve as part of an action necessitated by the County's earlier inadvertent enrollment of the Hunt Club property in the Habitat Reserve without the property owner's consent.

Response to Comment No. 5

Refer to Response to Comment Nos. 3 and 4. It is important to note that the required findings have been made by the U.S. Fish & Wildlife Service.

Response to Comment No. 6

The 68 acres was dedicated to and acquired by the County of Orange as part of a Resource Agencies-sanctioned transaction and will be enrolled in the Habitat Reserve. According to U.S. Fish & Wildlife officials, the 68 acre-dedication area supports better quality habitat than the 14-acre area removed from the Habitat Reserve. Based on prior discussions with the U.S. Fish & Wildlife Service, the habitat located in northerly area of the 127-acre property, including the 68 acres proposed for dedication and inclusion into the Reserve, possesses quality habitat as reflected in the biological assessments prepared for both the 127-acre property and 68-acre area proposed for dedication. The proposed boundary adjustment satisfies the criteria that minor amendments will result in no net loss of Habitat Reserve acreage and no long-term net loss of subregional habitat value (HCP Implementation Agreement, page 72). The USFWS estimates that the minor amendment will result in a net gain of 54.2 acres of Habitat Reserve, including net gains of grassland (45 .0 acres), chaparral (0.1 acre), oak woodland (1.7 acres), and coastal sage scrub (7.4 acres).²

Response to Comment No. 7

As indicated in the Biological Assessment prepared for the proposed project (refer to Appendix D1) and described in the DSEIR (refer to pages 4.3-19 through 4.3-22), indirect impacts primarily result from adverse "edge effects," either short-term indirect impacts related to construction or long-term, chronic indirect impacts associated with the location of development in proximity to biological resources within natural open space. Short-term indirect impacts that may potentially result from any project construction include dust production, which could affect plant growth and insect activity; noise, which could disrupt wildlife communication, including bird breeding behavior; lighting, which could disrupt behavior of nocturnal reptiles, mammals, and raptors; sedimentation, siltation, and erosion, which could affect water quality of onsite streams; and pollutant runoff, including chemicals used during construction and machinery maintenance, which could contaminate soil and water. The proposed project has been designed to minimize the potential impacts associated with "edge effect." The design features include but are not limited to: (1) the incorporation of landscaping compatible with the adjacent areas to buffer noise;

²United States Department of Interior, Fish and Wildlife Service; letter to Mr. Mark Denny, Director OC Parks (May 5, 2011).

(2) the use of walls or similar structures to limit visual penetration; (3) the utilization of natural drainage patterns and incorporation of appropriate BMPs to ensure that water quality is not adversely affected; (4) directing night lighting away from sensitive habitat; and (5) the use of specified landscaping to avoid the introduction of exotic species. These project design features, along with the standard conditions required by the County through the HCP and mitigation measures prescribed in the Draft EIR will reduce potentially significant adverse impacts to a less than significant level. Furthermore, the commitment of nearly 90 percent of the former Hunt Club property to permanent open space eliminates the uncertainty of potential future "edge effects" from development that may be proposed.

Response to Comment No. 8

This comment, which expounds on prior studies related to habitat fragmentation, is acknowledged. The biological assessment conducted for the proposed project evaluated the potential impacts anticipated to occur as a result of the proposed project. As indicated in that assessment (refer to Appendix D1):

"Implementation of the proposed project would result in the direct permanent loss of habitat. The emergent and disturbed habitat supports common native wildlife species that would be directly affected by the removal of the habitat. This would include common species of reptiles, birds, and small mammals. The more mobile wildlife species, such as birds and larger mammals that utilize the affected area will be displaced during clearing activities to adjacent areas. These animals may move to open adjacent properties. The less mobile species will probably be lost during the habitat clearing and grading. Construction of the project will probably limit the future use of the area except for common reptile, bird and small mammal species that can be found in urban neighborhoods. The proposed project is designed to minimize impacts to drainage areas and sensitive habitats. The location of the lots and roadways is designed to eliminate impacts to sensitive habitats."

The biological assessment concluded that the preservation of the 68 acres would contribute to the conservation, habitat, and species protection objectives of the NCCP/MSAA/HCP. The inclusion of the open space into the Reserve has been accepted by the U.S. Fish & Wildlife Service, which has approved the Minor Amendment and concluded that the project will not result in any net loss of coastal sage scrub habitat. In addition, several mitigation measures have been prescribed in the Draft SEIR to ensure that potential impacts to both sensitive habitat and sensitive species are avoided or reduced to a less than significant level.

Response to Comment No. 9

Potential impacts associated with the potential invasive species (e.g., non-native and/or exotic species) were also addressed in the biological assessment. Specifically, design guidelines for the project will provide the homeowners with a list of native landscaping materials permitted within the project area. These materials have been selected not only for their contribution to the project theme but also their adaptability to local climatic and soil conditions, and for their compatibility with the natural environment in the project area. Sage scrub will be planted as appropriate on all manufactured slopes. In addition, restoration and enhancement of sage scrub and oak woodland species will be completed in designated conservation easement areas. The project will incorporate special edge treatments designed to separate development areas from open space areas. Landscape buffers would be incorporated into the project designs that minimize the intrusion of non-native plant species into natural areas. None of the plants listed in Section 7.16.2 of the Draft NCCP/MSAA/HCP will be utilized for the project and their use by future homeowners will be prohibited. A weeding program will be implemented if necessary and should follow the guidelines described below. Non-native plant removal strategies will be site-specific to take advantage of habitat breaks such as those created by large shrub patches, rock outcrops, or roads so that patches of weeds can be effectively controlled. The entire site will be surveyed annually for the first five years for weed removal. Areas where weeding is necessary will contain a significant amount of invasive exotic species with the potential to spread throughout the area. Weed removal will be done by

hand or through repeated herbicide applications. The non-native plant removal process must be carefully monitored because as the dominant non-native plant species are removed, other non-native plant species can multiply rapidly and replace the formerly dominant non-native species particularly in more disturbed sites. The Draft NCCP/MSAA/HCP has identified exotic invasive plants that should be removed from open space areas. This list is included on 7-206 of the Draft NCCP/MSAA/HCP.

Response to Comment No. 10

The Draft SEIR identifies several standard conditions and mitigation measures to avoid potentially significant indirect impacts to both sensitive habitat and species caused by air and water pollution. Specifically, construction-related air emissions (e.g., dust/particulate matter) will be addressed through the implementation of Rule 403 and other required rules imposed by the South Coast Air Quality Management District. For example, fugitive dust shall be controlled through the use of a watering truck as necessary, and/or the use of an environmentally safe chemical dust suppressant. Controls shall be applied to all on-site, unpaved roads and ramps, stockpile areas, actively excavated or exposed sites, and all areas that may be temporarily inactive but include exposed (i.e., denuded or devoid of vegetation) or disturbed surfaces. Other measures prescribed to ensure that fugitive dust and particulates are minimized include moistening soil and debris prior to excavation, watering exposed surfaces at least twice daily or as often as needed to maintain a surface crust, covering trucks that haul dirt, and limiting the speed and/or movement of heavy equipment on unpaved surfaces. These measures are intended to reduce adverse air quality impacts but also impacts to adjacent/nearby sensitive habitat. As indicated in Section 4.2 (Biological Resources) of the Draft EIR, the proposed project will impact sensitive biological resources; however, several mitigation measures were identified in the biological assessment conducted by Gonzales Environmental Consulting (refer to Appendix D of the Draft EIR), which have been prescribed in the EIR and shall be incorporated into the project. These mitigation measures, which include revegetation and the dedication of open space, among others, will ensure that the potentially significant project-related impacts are reduced to a less than significant level (i.e., no significant unavoidable adverse impacts would remain).

In addition, potential water quality impacts are also addressed through the incorporation of Best Management Practices (BMPs) included in both the Stormwater Pollution Prevention Plan (SWPPP) during the grading and construction phase and as part of the Water Quality Management Plan (WQMP) to ensure that long-term impacts are avoided or reduced to a less than significant level. For example, the proposed project will detain and filter post-development surface flows on-site prior to discharging the runoff into natural drainage channels. As previously indicated, these BMPs will be implemented as part of the storm water pollution prevention measures for the project, in accordance with all appropriate NPDES requirements that will be imposed on the project. Finally, although the project would result in the additional use of hazardous materials in limited quantities associated with normal residential use such as cleaning products, solvents, herbicides, and insecticides, compliance with all applicable regulatory controls and procedures will reduce the potential risk of hazardous material exposure to a level that is less than significant.

Response to Comment No. 11

Refer to Response to Comment Nos. 7, 8, 9, and 10.

Response to Comment No. 12

This comment is acknowledged. However, the analysis presented in the Draft SEIR thoroughly and adequately evaluated the potential project-related impacts to biological resources on the subject property. Several mitigation measures, including the dedication of 68 acres of permanent open space that will be

added to the Reserve and related measures (e.g., replacement of CSS habitat at a 2:1 ratio, replacement of wetlands, etc.) will ensure that the impacts identified in the Draft SEIR and these comments are avoided or reduced to a less than significant level. In addition, as previously indicated, the U.S. Fish & Wildlife Service has reviewed the proposed project, determined that no net loss of sensitive habitat will occur, and approved the Minor Amendment.

Attachment 1
Minor Amendment - U.S. Fish & Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011



In Reply Refer To:
FWS-OR-11B0101-11TA0158

MAY 05 2011

Mr. Mark Denny
Director
OC Parks
13042 Old Myford Road
Irvine, California 92602

Subject: Minor Amendment to the Orange County Southern Subregion Habitat Conservation Plan for the Hunt Club Parcel, Orange County, California

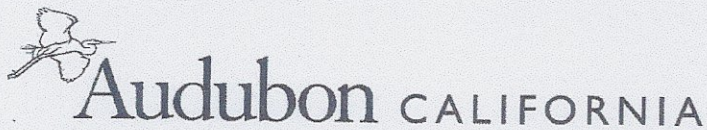
Dear Mr. Denny:

The U.S. Fish and Wildlife Service (Service) received the County of Orange's (County) request dated May 2, 2011, for a minor amendment to the Orange County Southern Subregion Habitat Conservation Plan (Southern Subregion HCP). The proposed minor amendment is a boundary adjustment to the Habitat Reserve. The County proposes to remove a 14.0-acre (ac) portion of the Hunt Club Parcel (APN 125-101-02 – Coto de Caza) from the Habitat Reserve and add a 68.2-ac parcel with equal or superior subregional habitat value to the Habitat Reserve. The Hunt Club is located in the Community of Coto de Caza, an unincorporated area of Orange County, and Khalda Development Company is the owner of this parcel. The parcel to be added lies immediately to the north of the Hunt Club Parcel and is owned by the County.

The Hunt Club Parcel was mapped by the County as part of the Habitat Reserve for the Southern Subregion HCP. However, the property was not owned by the County, and the property owner did not agree to include the property as part of the Habitat Reserve. As part of the proposed minor amendment, 14.0 ac of the Hunt Club Parcel will be removed from the Habitat Reserve for development, and the remainder of the 126.5-ac Hunt Club Parcel will be enrolled within the Habitat Reserve as part of the entitlement process with the County.

The proposed boundary adjustment satisfies the criteria that minor amendments will result in no net loss of Habitat Reserve acreage and no long-term net loss of subregional habitat value (HCP Implementation Agreement, page 72). We estimate that the minor amendment will result in a net gain of 54.2 ac of Habitat Reserve, including net gains of grassland (45.0 ac), chaparral (0.1 ac), oak woodland (1.7 ac), and coastal sage scrub (7.4 ac). The minor amendment will also result in the deletion of two coastal California gnatcatcher locations (*Poliophtila californica californica*) and the addition of three coastal California gnatcatcher locations and two coastal cactus wren (*Campylorhynchus brunneicapillus couesi*) locations, resulting in a net increase of





Letter No. 6

Starr Ranch Sanctuary
100 Bell Canyon Road
Trabuco Canyon, CA 92679
Tel: 949-858-0309
Fax: 949-858-1013
www.audubon.org
www.ca.audubon.org
www.starr-ranch.org

VIA ELECTRONIC MAIL

March 4, 2011

Chris Uzo-Diribe, Planner IV
chris.uzodiribe@ocpw.ocgov.com
Orange County Public Works - OC Planning
300 N. Flower St.
Santa Ana CA. 92702-4048

RE: Coto de Caza Specific Plan Amendment PA 10. TTM 17325 Draft SEIR Comments

Dear Ms. Uzo-Diribe,

1 Audubon California, Sea and Sage Audubon, and the Endangered Habitats League respectfully submit the following comments on the above-referenced project. The commenting organizations are all nonprofit membership organizations whose focus includes the conservation of Southern California's native ecosystems. All of these organizations have been key participants in the development, adoption and implementation of a variety of land use plans that affect Orange County and that apply to this project. The comments below are specific to the Orange County Grant of Easement that applies specifically to the subject property and that would be violated should the project be approved as proposed.

2 The DEIR appears to rely on the 1982 Coto de Caza Specific Plan ("Plan") as one point of reference. Under this Plan, it then rightly characterizes this project as falling not only in Area 10, but having a Scenic Area/Open Space designation. Additionally it acknowledges that the County of Orange accepted a Grant of Easement ("Easement") on this project site further reflecting, and more important, governing its Open Space designation. The DEIR then goes on to cite verbatim language from the Easement that describes the types of uses, including *specific* types of development.

However, in Section 3.4, the analysis of how this project will comply with the Easement fails miserably:

3 **"Based on the 15 percent allocation for potential development within the "Hunt Club" parcel, a total of 19.05 acres of structures could be developed within the limits of the 127-acre property..."**

This statement conveniently ignores the specificity described in the Easement as to the *type* of permitted development. No where does it mention residential development as permitted. Indeed, the DEIR itself acknowledges that **"...the Open Space regulations do not permit residential development within the areas identified for Open Space,**

Chris Uzo-Diribe
Audubon EHL Coto de Caza Specific Plan Amendment PA 10. TTM 17325 Draft SEIR
Comments
March 4, 2011
Page 2

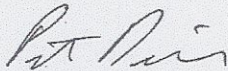
including the subject property...”, but then goes on to try to make the case that it does because “...the regulations do provide for minor shifts in development of up to 10 percent...”

This misinterpretation of not only the intent but the language of the Easement to try to convince the reader that it would allow residential development is indefensible. No reasonable person would ever come to this conclusion.

4 In addition, the proposed acreage for development, according to the DEIR, is 28.3 - far in excess of the 19.05 acres and the maximum 15% so-called “modification” opportunity. The 28.3 acres is 22.3% of the 127 acres. Also, reliance on acquisition of additional acres to bring the percentage down to 15% is pure speculation. There is nothing in the DEIR that speaks to the quality of the additional acreage and it assumes approval of a modification by the Orange County Planning Commission.

5 More than 20 years ago the County of Orange accepted the Easement that controls the land use of the subject property. It is *open space* with *very* specific and minimal development limits that do not include residential. To think now that this project would somehow comply with what was intended by this acceptance is inconsistent with the restrictions placed on the land. This project, or any other residential project, developed on this property, would violate this Easement. And even crafty attempts at selective use and manipulation of language contained in the Easement cannot possibly justify or allow for an amendment.

Sincerely,



Pete DeSimone
Manager
Starr Ranch Sanctuary

6. Audubon California (March 4, 2011)

Response to Comment No. 1

This comment, which provides an introduction to the comment letter, is acknowledged. No response is necessary.

Response to Comment No. 2

This comment discusses the Grant of Easement that governs land uses within the open space area within PA 10. The comment is acknowledged; no response is necessary.

Response to Comment No. 3

As indicated in the Section 7.5.3 in the Draft EIR (refer to page 7-6), which discusses the Grant of Easement as it relates to the Hunt Club Alternative, a variety of land uses is permitted within the open space area of PA 10, including golf, equestrian, hunting, hunt lodge, shooting fields, dog training, duck tower, lakes, ponds, parking, access roads, and related ancillary structures. The Grant of Easement allows substantial development opportunity with no restriction on how much grading, trenching or other construction activities occur to complete the development; only a restriction that, "... structures on the Property shall be restricted to fifteen percent (15%) of the property area . . .", which could amount to more than 19 acres (or 827,640 square feet) of structures, retaining walls and impervious surfaces as part of a much larger development footprint. Residential uses are not included in the list of permitted uses as indicated in this comment. However, the project applicant is proposing an amendment to the Coto de Caza Specific Plan and a revision to the Grant of Easement to permit residential development in the open space area of PA 10.

The Coto de Caza Specific Plan and the Grant of Easement would be revised to eliminate the land uses identified above that are currently permitted in the open space. A small development area, which would accommodate a maximum of seven single-family residential dwelling units, has been identified. The proposed residential development would be restricted to a smaller area and would be environmentally superior to the Hunt Club or golf course uses because a significantly small area within the open space would be altered by grading and development-related activities. As described in the analysis presented in Section 7.5.3 of the Draft EIR, however, the No Project/Hunt Club alternative would result in significantly greater environmental impacts, including potentially significant biological impacts, visual impacts, geologic impacts, and hydrologic/water quality impacts that would be caused by the extensive grading/landform alteration and remediation required to create the development footprint for those "open space" uses.

Notwithstanding the exclusion of residential uses, the applicant is proposing to add seven single-family residential dwelling units within PA 10. As indicated above, the proposed residential use is environmentally superior to other uses currently allowed by the Coto de Caza Specific Plan and Grant of Easement. The EIR reveals that 28.3 acres of the aforementioned open space within PA 10 would be converted to a combination of 14.5 acres of easement-restricted open space and 14 acres of custom estate lot, rural residential development as a result of project implementation, necessitating approval of a specific plan amendment, as described in Chapter 3.0 (Project Description). The SEIR analyzed the potential land use impacts of the proposed conversion of 28.3 acres of open space to residential development and open space and concluded that the project would be consistent with the long-range goals of the Coto de Caza Specific Plan because: (1) the seven units proposed for TTM 17325 would not exceed the maximum number of dwelling units permitted for PA 10 and (2) the open space remaining within PA 10 will exceed the minimum open space prescribed for that planning area by the Specific Plan. Furthermore, the open space of the proposed project will be subject to a new open space easement (as well as a new commitment to "Habitat Reserve" in the Southern Habitat Conservation Plan [HCP]). Finally, the proposed land use (i.e., single-family residential) is compatible with and consistent with the

character and intensity of the adjacent, existing development within PA 10 and would meet all of the project objectives.

Response to Comment No. 4

Although the proposed project affects 28.3 acres, only about 14 acres of that total would be affected by development. The remaining approximately 14.5 acres would remain as easement-restricted open space that is proposed to be enrolled in the Habitat Reserve of the Southern HCP. Replacement of the 14 acres of development area, which is less than the 15 percent (or 19 acres) of impervious surface (i.e., structures) permitted in the Grant of Easement, would be offset by the dedication of a 68-acre parcel that has been offered to and accepted by the County of Orange as part of a U.S. Fish & Wildlife Service-approved Minor Amendment to the Southern HCP Habitat Reserve. The County will enroll the entire 68 acres into the Habitat Reserve, subject to 19 of those acres being allocated to offset the 14 acres withdrawn from the Habitat Reserve as part of an action necessitated by the County's earlier inadvertent enrollment of the Hunt Club property in the Habitat Reserve without the property owner's consent.

Response to Comment No. 5

The 126.5-acre property was inadvertently included in the Orange County Reserve. As permitted by the IA, the applicant worked closely with the County in an effort to correct the inadvertent enrollment of the Hunt Club property by supporting the Minor Amendment approval request, which would remove the subject property from the Habitat Reserve. Part of the proposed action is for the Orange County Board of Supervisors to rectify the established Grant of Easement through an Amendment or through nullification of the existing deed. All of the legal documents will be presented and agreed upon prior to project approval. The Minor Amendment to the IA was approved by the affected parties, including the U.S. Fish & Wildlife Service, on May 5, 2011 (refer to Attachment 1). The Draft SEIR includes an analysis of the potential impacts to sensitive habitat, sensitive species, and related biological resources, as required by CEQA.

Although some potential impacts are anticipated as a result of developing the site as proposed with seven single-family residential dwelling units, implementation of the proposed project will result in substantially less impacts to the environment than the development permitted on the subject property resulting from either a "Hunt Club," golf course, or other land uses as permitted by the Grant of Easement that was adopted by the Orange County Board of Supervisors (refer to Response to Comment No. 3). As described in Chapter 7.0 (Alternatives), potential impacts anticipated to occur from either of these alternatives to biological resources, drainage and hydrology, aesthetics, soils and geology, and biological resources would exceed those resulting from implementation of the proposed project. The development of either the Hunt Club or a golf course would result in extensive grading and landform alteration that would not only require extensive remediation of unstable slopes but also greater impacts to existing sensitive habitat and species, greater runoff associated with larger areas of impervious surfaces, and potential visual intrusion within the viewshed created by more extensive development.

7. Ms. LeAnn Miller (July 13, 2011)

The comments identified below summarize the comments submitted orally by Ms. LeAnn Miller during the public hearing conducted by the Orange County Planning Commission on July 13, 2011.

Comment No. 1

The property on which the proposed project is located was the site of a "hunt club" and may contain hazardous materials (e.g., lead) as a result of the historic use of the site for recreational hunting and shooting activities.

Response to Comment No. 1

In response to this comment related to potential adverse health effects related to lead, Phase I and Phase 2 Environmental Site Assessments (ESA) were undertaken to determine the nature and extent of potential contamination associated with the historic use of the site as a recreational shooting range. Based on field observations and laboratory test results from the soil samples collected during the phase II ESA, indicates that PAH impacted soil is the only environmental concern and is limited to the surficial soils, in a portion of the shooting range hit hot spot area, along a band measuring 50 feet wide and 300 feet long.

The historical use of a southern portion of the subject property as a shooting range specifically localized shooting of shotgun to clay targets from several shooting stations may have been resulted localized distribution of lead pellets in discrete areas and deposited on the surface or shallow soil. The elevated lead concentration in the samples collected from impacted area may be due to the presence of actual lead pellet in the sample (nugget effect); while a moderate increase in lead concentration is most likely due to leachate of the lead into the shallow soil. The average background concentration of naturally occurring lead in the soil in Southern California is expected to be below 20 milligram per kilogram (mg/kg). Another impact of the shooting practice on this property is the presence of poly cyclic aromatic Hydrocarbon (PAH). PAH is a byproduct component of the clay targets and was detected in the surface soils of the clay target debris fields. The soil samples collected from the location with high concentration of the clay debris contained elevated concentration of PAH.

The only on site elevated lead concentration was detected in a sample which falls in the PAH containing band identified above. The current recommended method of remediation includes removal of all of the clay target debris from the surface of the hit target hot spot areas prior to the initial of grading activities. The clay debris must be collected and transported to a County of Orange approved landfill. In order to ensure that the small area of contamination does not pose a health hazard, the following condition of approval has been prescribed by the County.

COA No. 23 - Hazardous Material Remedial Action Plan

Prior to issuance of any grading permit, the applicant/property owner shall obtain an approved Remedial Action Plan from OC Health Care Agency, which will require removal of all the clay target debris from the surface of the hit target hot spot areas. The clay debris shall be collected and transported to a County of Orange approved landfill. A copy of the approved Remedial Action Plan shall be provided to the Manager, OC Planning and Manager, Inspection.

All remediation work shall be completed under the approved Remedial Action Plan and supervised by OC Health Care Agency. Applicant shall comply with the Remedial Action Plan during the grading process and shall provide evidence to the Manager, Inspection for review and approval.

Implementation of COA No. 23 will ensure that any potential lead and/or PAH contamination would be eliminated and no significant impacts will occur as a result of prior implementation.

Although additional information was presented in one or more of the responses to public comments, the information provided clarification Title 14, California Code of Regulations section 15088.5 provides that an EIR should be re-circulated when significant new information is added to the EIR after public notice and comment. It further provides that new information is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon an substantial adverse environmental effect of the project, or a feasible way to avoid or mitigate such an effect that the project proponent has declined to implement. In this case, the commenter was aware of the potential contamination associated with the historic use of the site as a shooting range. As a result, the soil conditions and characteristics were confirmed in the testing and field observations documented in the Phase II ESA, which is also included as an attachment to these responses. Imposition of the condition of approval ensure that potential health hazards will be avoided as they contaminated soils will be removed prior to any development occurring on the site. As a result, none of the criteria for recirculation apply because:

- Any potential environmental consequence associated with the PAH and lead contamination will be avoided through the preparation and implementation of the remedial action plan prescribed in COA No. 23.
- As indicated above, implementation of COA No. 23 will ensure that potential health hazards associated with the PAH and/or lead contamination in the surficial soils will be avoided through removal in accordance with the remedial action plan.

Therefore, in the absence of the type of "significant new information" contemplated under section 15088.5, the County of Orange has determined that with the implementation of the condition of approval that requires the implementation of a remedial action plan, the potential health effects would be avoided and no significant impacts will occur. As a result, recirculation of the SEIR is not required or necessary.

Comment No. 2

The proposed homes would block views of the open space from the Miller property and would adversely affect the scenic integrity of the area.

Response to Comment No. 2

In response to the comments that suggest the proposed project will adversely affect the property in question, a visual simulation was constructed to illustrate the change in visual character anticipated to occur with the development of the subject property. Exhibit 1 illustrates the relationship of the Miller property to the proposed residential development. The proposed building pad of the subject property is located approximately 60 to 700 feet from the Miller home and is separated by an intervening canyon. A view from the Miller property to the southernmost lots proposed in Tract 17325 is illustrated in Exhibit 2. As indicated in the interim visual simulation (refer to Exhibit 3), the westerly slope below one of the building pads will be landscaped initially, following by development of the lot (refer to Exhibit 4). As indicated in that visual simulation, the two southernmost homes proposed in Tract 17325 will be visible from the Miller property. However, in Exhibit 4, with landscaping, single-story homes would be significantly screened from view. Exhibit 5 illustrates two story structures and, as can be seen, the two-story homes become more visible, although still screened considerably by the mature landscaping. Although the simulations reveal that the proposed homes would be visible from the Miller property, the adverse effect of that exposure has been substantially lessened by the landscaping. Therefore, potential visual impacts are considered to be less than significant.

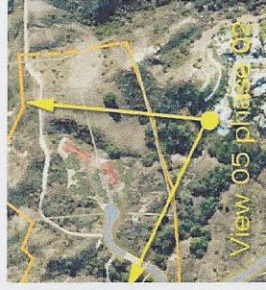


Exhibit 2 View of Existing Conditions

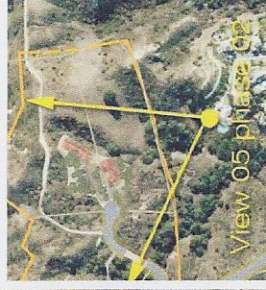


Exhibit 3 View of Pre-Development Landscaping

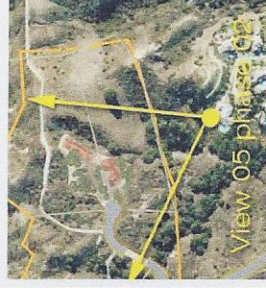


Exhibit 4 View of Post-Development Single-Story Home

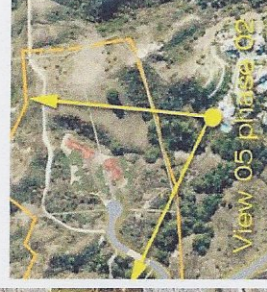


Exhibit 5 View of Post-Development Two-Story Home